

Sixth Appellate District

San Jose, California

MONDAY, MAY 9, 2005

H026161 PEOPLE v. DIAZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 9, 2005

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H027968 PEOPLE v. MAXWELL W.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 9, 2005

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H027347 PEOPLE v. DILWORTH

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 9, 2005

H025966 LIBRERS v. BLACK

The judgment is reversed, and the matter is remanded for a hearing to determine on the merits whether appellant Joseph is the presumed father of N. under section 7611, subdivision (d). If the court finds that he is a presumed father, it shall proceed to determine the remaining issues raised in the proceedings. If the court finds that appellant is not N.'s presumed father, it shall enter a new order expressly denying his petition. Appellant is entitled to costs on appeal. (published)

(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)

Filed May 9, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

TUESDAY, MAY 10, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Walsh, J.*; and Beth Miller, Deputy Clerk.

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

Tuesday, May 10, 2005 (continued)

H026476 PEOPLE v. LOPEZ

Cause called and argued by Danalynn Pritz appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Walsh, J. leaves the bench and Elia, J. takes the bench.

H027403 PEOPLE v. WILLIAMS

Cause called and argued by Jeffrey A. Schafer appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027070 PEOPLE v. MADRIGAL

Cause called and argued by David D. Martin appearing for Appellant and by Rene A. Chacon, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027901 KENYATTA v. COUNTY OF SANTA CRUZ

Cause called and argued by Douglas C. Kane appearing for Appellant and by Jason M. Heath, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H027422 LAW OFFICES OF DIXON R. HOWELL v. VALLEY, et al.

Cause called and argued by Gordon J. Finwall appearing for Appellant, Law Offices of Dixon R. Howell, and by John Michael O'Connor appearing for Appellants, Michael W. Valley, et al. Cause ordered submitted.

Court is in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Jane Valdez Flor, Deputy Clerk.

H027749 PEOPLE v. ALOULA

Cause called and argued by Daniel Byrne appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027051 PEOPLE v. DAVID P.

Cause called and argued by Kathleen W. Novoa appearing for Appellant and by Michele Swanson, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, May 10, 2005 (continued)

H027487 DALY v. YESSNE, et al.

Cause called and argued by Robert Paul Dudugjian appearing for Appellant and by David E. Marks and Martin H. Myers appearing for Respondents. Cause ordered submitted.

H027473 FERRETTI, et al. v. SMITH

Cause called and argued by Donna Fryer, appellant appearing in pro per and by Jason M. Heath, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H026888 CITY OF KING v. COMMUNITY BANK OF CENTRAL CALIFORNIA

Cause called and argued by Basil Sami Shiber appearing for Appellant and by David Alan Juhnke appearing for Respondent. Cause ordered submitted.

H027166 CITY OF KING v. COMMUNITY BANK OF CENTRAL CALIFORNIA

Cause called and argued by Basil Sami Shiber appearing for Appellant and by David Alan Juhnke appearing for Respondent. Cause ordered submitted. Court is adjourned.

H027230 PEOPLE v. KHALIZADEH

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed May 10, 2005

H027680 PEOPLE v. ABRAM S.

The finding of a probation violation pursuant to section 777 of the Welfare and Institutions Code and the ensuing dispositional order are affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed May 10, 2005

Sixth Appellate District

San Jose, California

WEDNESDAY, MAY 11, 2005

H027747 PEOPLE v. ROSALES

H027849 PEOPLE v. ROSALES

The judgment in case No. H027747 (referred to in the abstract as "Case A") is modified to reflect a correct calculation of \$1,800 for the restitution and suspended parole-revocation fines. As so modified, the judgment is affirmed. The judgment in case No. H027849 (referred to in the abstract as "Case B") is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 11, 2005

H028142 PEOPLE v. STYRE

The judgment is reversed. The trial court is directed to specify the amounts of the fines and clarify any ambiguities in the new abstract. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 11, 2005

H024003 PEOPLE v. GUZMAN

The cause herein is ordered submitted.

Dated: May 11, 2005 RUSHING, P.J.

H027443 PEOPLE v. WILSON

The appeal is dismissed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 11, 2005

THURSDAY, MAY 12, 2005

H027311 PEOPLE v. LEONTI

The judgment of conviction is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 12, 2005

Sixth Appellate District

San Jose, California

Thursday, May 12, 2005 (continued)

H026627 PEOPLE v. HUTCHINSON

The judgment is reversed. The matter is remanded for retrial of the prior-burglary enhancement allegation, if the prosecutor elects to do so. On resentencing to account for the outcome of the enhancement retrial or dismissal, the trial court is directed to (1) stay execution of the sentence for attempted robbery (count 1) pending service of the sentence for burglary (count 2), such stay to become permanent when service of the count 1 sentence is completed, (2) reflect a correct calculation for the restitution and suspended parole-revocation fines based only on the number of years of imprisonment imposed pursuant to count 2, and (3) strike the section 296 order. (not published) (McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)

Filed May 12, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

FRIDAY, MAY 13, 2005

H027408 PEOPLE v. ANGELIQUE O.

The orders appealed from are affirmed. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 13, 2005

H028113 In re JESUS B.; SANTA CRUZ CO. HUMAN RESOURCES AGENCY v. ADRIANA B.

The juvenile court's order terminating parental rights is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 13, 2005

H027218 PEOPLE v. GUTIERREZ

The judgment is reversed. The matter is remanded for resentencing. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 13, 2005